

Anthony L. Martin
Nevada Bar No. 8177
anthony.martin@ogletreedeakins.com
Dana B. Salmonson
Nevada Bar No. 11180
dana.salmonson@ogletreedeakins.com
OGLETREE, DEAKINS, NASH, SMOAK & STEWART, P.C.
10801 W. Charleston Blvd.
Suite 500
Las Vegas, NV 89135
Telephone: 702.369.6800
Fax: 702.369.6888
Attorneys for Defendant Wal-Mart Associates, Inc.

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA**

CHRISTOPHER NELSON, on behalf of
himself and all others similarly situated,

Plaintiff,

vs.

WAL-MART ASSOCIATES, INC. and DOES
1 through 50, inclusive,

Defendant(s).

Case No.: 3:21-cv-00066-MMD-CLB

**STIPULATION AND ORDER TO EXTEND
FLSA NOTICE DEADLINES AND REPLY
DEADLINE FOR FED. R. CIV. P. RULE 23
CLASS CERTIFICATION MOTION**

(First Request)

Pursuant to Local Rules IA 6-1, IA 6-2 and LR 7-1, Defendant Wal-Mart Associates, Inc. (“Defendant”) and Plaintiff Christopher Nelson (“Plaintiff”) (the “Parties”), by and through their counsel, hereby stipulate as follows:

1. WHEREAS, on March 17, 2023, this Court issued an order setting the briefing schedule on the opposition and reply to Plaintiff’s Fed. R. Civ. Proc. 23 (“Rule 23”) motion for class certification as follows: Defendant’s opposition was due on April 10, 2023 and Plaintiff’s reply was due on April 24, 2023. (ECF No. 69.)

2. WHEREAS, on March 20, 2023, the Court issued an order approving the FLSA notice, allowing Defendant 30 days (up to April 19, 2023) to provide Plaintiff’s counsel a list of the: (a) full name; (b) current home address or last known address; (c) telephone number; (d) email address; and (e) Social Security number of each person who falls into the approved FLSA Dry

1 Section and FLSA Perishable Section classes (the “putative class members”). (ECF No. 70.) Per
 2 the Court’s order, as of that same date, Plaintiff can commence a social media campaign on websites
 3 geared to reach the target audience directly. (*Id.*) Per the Court’s order, Plaintiff then has until April
 4 26, 2023 to mail Notice, Consent to Join form, and a postage pre-paid return envelope, to each person
 5 identified on the list provided by Defendants. (*Id.*)

6 3. WHEREAS, Defendant filed its opposition to Plaintiff’s Rule 23 motion for class
 7 certification on April 10, 2023, per the Court’s order.

8 4. WHEREAS, the Parties have been engaged in good faith efforts exploring potential
 9 resolution of this matter. The Parties agree that a short continuance of the deadline to distribute the
 10 FLSA Notice, and on the briefing schedule on the Rule 23 Class Certification Motion will allow the
 11 Parties to finish exploring potential resolution prior to expending resources on further briefing and
 12 the distribution and management of the FLSA Notice. The Parties agree it would be inefficient for
 13 the FLSA Notice to be distributed at this time, and could cause confusion among recipients of the
 14 Notice should a settlement be reached.

15 5. WHEREAS, the Parties respectfully request that all deadlines regarding the FLSA
 16 Notice be extended two weeks, to May 3, 2023 and May 10, 2023, as set forth below; and that
 17 Plaintiff’s deadline for filing his Reply brief in support of his Rule 23 Class Certification Motion be
 18 extended two weeks to May 8, 2023.

19 Based on the foregoing, IT IS HEREBY STIPULATED AND AGREED by and between the
 20 Parties through their respective counsel of record herein and subject to Court order that:

21 1) The deadline for Defendant to provide the list of putative class members to Plaintiff
 22 be continued from April 19, 2023 to May 3, 2023;

23 2) The deadline for Plaintiff to file a reply brief in support of his Rule 23 class
 24 certification motion be continued from April 24, 2023 to May 8, 2023;

25 3) The deadline for Plaintiff to mail the Notice, Consent to Join form, and a postage pre-
 26 paid return envelope to all putative class members identified by Defendant be continued from April
 27 26, 2023 to May 10, 2023.

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This Stipulation is made in good faith and is not intended for purposes of delay.

DATED this 19th day of April 2023.

DATED this 19th day of April, 2023.

THIERMAN BUCK LLP

OGLETREE, DEAKINS, NASH, SMOAK & STEWART,
P.C.

/s/ Joshua D. Buck

/s/ Anthony L. Martin

Mark R. Thierman

Anthony L. Martin

Nevada Bar No. 8285

Nevada Bar No. 8177

Joshua D. Buck

Dana B. Salmonson

Nevada Bar No. 12187

Nevada Bar No. 11180

Leah L. Jones

10801 W. Charleston Blvd.

Nevada Bar No. 13161

Suite 500

Joshua R. Hendrickson

Las Vegas, NV 89135

Nevada Bar No. 12225

Attorneys for Defendant Wal-Mart Associates, Inc.

7287 Lakeside Drive

Reno, NV 89511

Attorneys for Plaintiff Christopher Nelson

ORDER

IT IS SO ORDERED.



UNITED STATES DISTRICT COURT JUDGE

4/21/2023

DATED